G. R. S. App. F. IX-4]

Previous References.

Pris 30-37(4-6)

Later References.

1942.

(Pris)

File No. 2-42

Serial Nos. 2

PRESERVED

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1

Part B for August '42

SUBJECT.

Recommendations No. 194 of the Prisons Reforms Committee regarding proper provisions for dealing with hunger strikes in prisons.

Recommendation No. 194 of the Prison Reforms Committee — Hunger Strikes

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

Rule 277 of the Mysore Jail Manual deals with the forcible feeding of prisoners who go on hunger strike. It provides that where on account of hunger strike, a prisoner has become unconscious or otherwise unable to feed himself, the Medical Officer shall issue orders for his being forcibly fed unless, in his opinion, such forcible feeding will itself be harmful to the prisoner's life; that where a prisoner is conscious and able to feed himself, the Medical Officer may, in his discretion, direct the prisoner to be forcibly fed, if, in his opinion, it is the only means of keeping him alive; and that forcible feeding should not be attended with un-necessary violence and should be ordered only in suitable cases as above described.

This rule is similar in all respects to rule 582-A of the Madras Jail Manual and was introduced in 1938 (Vide flag P). The rules in Madras on the subject of hunger strikes are however wider and more comprehensive and contain several provisions of which there is no counterpart in Mysore.

The Madras Rules provide that no criminal prosecution or civil action shall be sustainable against the Medical Officer either for administering or not administering food artificially at any stage, provided that the Medical Officer is of the honest opinion,

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

V

File No. of 194 | General and Revenue Secretariat

Serial No.

opinion, reached with due care and attention, that the treatment given is in the best interest of the prisoner's health. The Jail authorities are also required to do what they reasonably can, to keep the prisoners in their charge in health and to save them from death, the exact time at which artificial feeding should be begun in each individual case being left to the discretion of the Medical Officer (Rules 582-B and 582-C).

Further it is provided that prisoners who go on hunger-strike should be warned that no redress of any alleged grievance will be allowed as long as the strike continues, that it is a major offence and that they are liable to any Jail punishment and also to prosecution under Section 52 of the Prisons Act under which they may be sentenced up to one year's imprisonment or whipping, and that after sufficient warning and before the refusal to take food has adversely affected them, if any other punishment appears unlikely to deter them they may be whipped, subject to such general orders as the Government have issued in regard to whipping as a prison punishment. In case of mass hunger-striking which amounts to mutiny, the prisoners are to be isolated as far as possible from each other and other prisoners. When prosecutions are instituted under Section 52 of the

Prisons

Serial No.

Prisons Act, the proceedings are required to be held within the Jail and completed with as little delay as possible (Rule 289-A).

The Prison Reforms Committee observe in para 69 of Chapter VIII of their Report that proper provision has to be made for dealing with hunger-strikes on the part of prisoners, and for regulating the conditions under which artificial feeding should be resorted to; and that experience shows that this mis-conceived form of indiscipline, first introduced by political prisoners, is apt to spread to other classes of prisoners unless strong disciplinary measures are taken. The Committee have accordingly suggested certain additions to the Rules, which are to be inserted as Rules 274-A and 274-B in Chapter XVIII of the Jail Manual - General discipline and daily routine.(Vide page 330 of the Report).

The additional Rules suggested by the Committee are similar in all respects with the Madras Rules quoted above except that -

(1) the second sentence in Rule 289-A of the Madras Rules which provides for the whipping of prisoners refusing to take their food is omitted. This is in consonance with the recommendation of the Committee for the abolition of Corporal punishment; and

(2) Sub-rule (3) of Rule 289-A of the rules which provides

WD C4155—GPB—55,000—23-10-41

4 1940 P 341

4

File No. of 194 | General and Revenue Secretariat

Serial No.

provides for the proceedings connected with prosecutions being held in the Jail alone is omitted.

The Inspector General of Prisons suggests the adoption of the amendments recommended by the Committee. Flag Q.

If the Committee's recommendation is approved a slight amendment will be necessary in Clause 17 of Rule 275 which makes the refusal " to ~~take~~ take food prescribed by the prison diet scale" a prison offence. The application of the clause is limited to " food prescribed by the prison diet scale" and not to other food. It may have to be amended so as to read "refusing to eat food or the food prescribed by the prison diet scale" as in the Madras Manual. A

It is for consideration whether it may not be as well to provide for proceedings connected with prosecutions for hunger strikes being held in the Jail itself as in Madras, so as to avoid the undue publicity which such proceedings would otherwise evoke. B

The Committee's recommendation is for orders.

MRW 28/6

SECY. LAW DEPT. 585-2 2 JUNE 1942 GOVT OF MYSORE

Law Secy)

Rules 274-A & 274-B may be added in Ch XVIII of the Jail Manual as recommended.

It becomes necessary to amend Cl 17 of R 275 as suggested

Cpg.

Prison Reforms — Hunger Strikes

5

General and Revenue Secretariat

File No. 62 of 1941 [App. F. III—2

Serial No.

JUL 9 1942
283

OFFICE
16. JUL. 1942
656

Suggested above as a rule may also be added providing that when prosecutions are instituted under the Prisons Act in connection with Hunger Strikes proceedings should be withdrawn after fast

Murder Punishment
Deccan

Ans
8-7-42
JLW 8/7

Ans
16/7

DHY
17/7/42

Ans
20-7-42
JLW 20/7

Draft G.O. as submitted for consideration.

These rules are made applicable both to jails and lock-ups

As rule 274 B(1) proposed by them the Committee refers to section 52 of the Prisons Act. As our old Prisons Act is still in force and the corresponding section in it as section 49, which has accordingly been inserted in rule 4

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

b Prisons Reforms-Hunger Strikes

Pris File No. 2 of 1942 — General and Revenue Secretariat.

Serial No.

in the draft.

HWV 20/7

Law Secy)

May be approved

Minister for Law

21-7-42

HWV 21/7

Chief Secy 21/7

21/7

Chief Secy 22/7

HWV 22/7

To

The I. G. of Prisons

The Registrar High Court — 2

The D. M's of Districts.

G. O No P 842-52 Date 1.8.42

Accepts the recommendation of the Committee regarding proper provision for dealing with hunger strikes in prisons and accordingly makes certain amendments in the rules in the Jail and Lock-up Manuals.

B

SECY. LAW DEPT. 757 20 JULY 1942 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR LAW JUL 21 1942 No 737

ale

16 copies

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

7

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *194*

Date of issue 194

Signed by .....

Section Pris

File No. D-42

Serial No. 7

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— Recommendation No. 194 of the Prison Reforms Committee regarding proper provision for dealing with hunger strikes in prisons, and the views of the I. G. of Prisons thereon

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

842-52 1-8-42

Order thereon—No. ~~P/6-90~~ Pris. 2-42-2~~3~~4

Rule 27 of the Mysore Jail Manual deals with the forcible feeding of prisoners who go on hunger strike. The Prison Reforms Committee state in paragraph 69 of Chapter VIII of their Report, that proper provision has to be made for dealing with hunger strikes on

6

the part of prisoners, and regulating the conditions under which artificial feeding should be resorted. The Committee have suggested certain additions to the Rules on the subject ~~in the List appended to their Report~~.

The S. G. of Prisons who was consulted in the matter ~~suggests~~ suggests the adoption of the additional rules proposed by the Committee.

Govt are pleased to accept the recommendation of the Committee. They ~~feel~~ consider it desirable ~~necessary~~ also ~~to provide for~~ this for precautions connected with prosecutions for hungers strikes ~~being~~ shall be held in the jail itself. They accordingly direct the following amendments in the rules in the Jail and Lock-up Manuals

1. ~~Add at the end of Chapter~~ Delete paragraph 2 of rule 277 in the Jail Manual

2. Add at the end of Chapter XVIII the following as Rules 274A, and 274B

"274A. (i) Where on account of

List of Enclosures

a. Substitute the following for clause 1 of rule 295—

Copied by "Refusing to eat food or
food prescribed by the prison
Examined by diet-scale"

G. R. S. App. F. G.

GENERAL AND REVENUE
SECRETARIAT

(*Continuation sheet draft form.*)

hunger strike, as prisoner has become
unconscious or otherwise unable to
feed himself, the Medical Officer
shall issue orders for his being
forcibly fed, unless in his opinion
such forcible feeding will itself
be harmful to the Prisoner's life
Where a prisoner is conscious and
able to feed himself, the Medical
Officer may, in his discretion,
direct the prisoner to be forcibly
fed, if, in his opinion, it is the
only means of keeping him
alive. Forcible feeding ~~feeding~~
should not be attended with un-
-necessary violence, and should be
ordered only in suitable cases as
above described.

(2) No criminal prosecution
or civil action shall be sustainable
against the Medical Officer either
for administering) or not administering
food artificially
at any stage, provided the Medical
Officer is of the honest opinion,
reached with due care and attention
that the treatment given is in
the best interest of the prisoner's

WD 0436—GPB—10,000—17-10-33

health

(3) It is the duty of the jail authorities to do what they reasonably can, to keep the prisoners in their charge in health and to save them from death. The exact time at which artificial feeding should be begun in each individual case shall be left to the discretion of the Medical Officers.

274A. (1) Prisoners who go on hunger-strike should be warned that no redress of any alleged grievances will be allowed as long as the strike continues, that it is a major offence, and that they are liable to any jail punishment and also to prosecution under section ~~45~~ 49 of the Prisons Act under which they may be sentenced up to ~~one year~~ six months imprisonment

(2) In case of mass hunger-striking which amounts to rioting, the prisoners should be isolated as far as possible from

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT

Continuation sheet draft form.)

bail bonds and other documents

(3) When proceedings are instituted under section 49 of the Prisons Act, the proceedings shall be held within the jail and should be begun and completed with as little delay as possible"

4. Add the above two rules as rules 83A and 83B of the Lock-up Manual with the words "Lock-up authorities" and "Lock-up" substituted respectively for the words "jail authorities" and "jail" wherever they occur

Secy to Govt
Land Dept
20/7

To, The I.G. of Prisons
The Registrar, High Court
The District Magistrates of Dists

WD 0436—GPB—10,000—17-10-33

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:—

Recommendation No.194 of the Prison Reforms Committee regarding proper provision for dealing with hunger strikes in prisons, and the views of the Inspector General of Prisons thereon.

ORDER NO.P.842-52/Pris.2-42-2

Dated, Bangalore. the, 1st August 1942.

Rule 277 of the Mysore Jail Manual deals with the forcible feeding of prisoners who go on hunger strike. The Prison Reforms Committee state in paragraph 69 of Chapter VIII of their Report, that proper provision has to be made for dealing with hunger strikes on the part of prisoners, and regulating the conditions under which artificial feeding should be resorted. The Committee have suggested certain additions to the Rules on the subject.

The Inspector General of Prisons who was consulted in the matter suggests the adoption of the additional rules proposed by the Committee.

Government are pleased to accept the recommendation of the Committee. They consider it desirable also that proceedings connected with prosecutions for hunger strikes should be held in the Jail itself. They accordingly direct the following amendments in the rules in the Jail and Lock-up Manuals.

1. Delete paragraph 2 of rule 277 in the Jail Manual.

2. Substitute the following for clause 17 of rule 275--

"Refusing to eat food or the food prescribed by the prison diet-scale

3. Add at the end of Chapter XVIII the following as Rules 274 A, and 274 B.

"274 A. (1) Where on account of hunger strike, a prisoner has become unconscious or otherwise unable to feed himself, the Medical Officer shall issue orders for his being forcibly fed, unless in his opinion such forcible feeding will itself be harmful

contd)

to the prisoner's life. Where a prisoner is conscious and able to feed himself, the Medical officer may, in his discretion, direct the prisoner to be forcibly fed, if, in his opinion, it is the only means of keeping him alive. Forcible feeding should not be attended with unnecessary violence, and should be ordered only in suitable cases as above described.

(2) No criminal prosecution or civil action shall be sustainable against the Medical offier either for administering or not administering food artificially at any stage, provided the Medical officer is of the honest opinion, reached with due care and attention, that the treatment given is in the best interest of the prisoner's health.

(3) It is the duty of the jail authorities to do what they reasonably can, to keep the prisoners in their charge in health and to save them from death. The exact time at which artificial feeding should be begun in each individual case shall be left to the discretion of the Medical officer.

874 B. (1) Prisoners who go on hunger-strike should be warned that no redress of any alleged grievance will be allowed as long as the strike continues, that it is a major offence, and that they are liable to any jail punishment and also to prosecution under section 49 of the Prisons Act under which they may be sentenced upto six month's imprisonment.

(2) In case of mass hunger-striking which amounts to mutiny, the prisoners should be isolated as far as possible from each other and other prisoners.

(3) When proceedings are instituted under section 49 of the Prisons Act, the proceedings shall be held within the Jail and should be begun and completed with as little delay as possible".

(4) Add the above two rules as rules 83 A and 83 B of the Lock-up Manual with the words "Lock-up authorities" and "Lock-up" substituted respectively for the words "jail authorities" and "jail" wherever they occur.

K. Vanadarajan
Secretary to Government,
Law Department.

To

The Inspector General of Prisons in Mysore.

The Registrar, High Court of Mysore.

The District Magistrates of Districts.

Extract from the opinion of the I.G. of Prisons on the recommendations of the Prison Reforms Committee.

14

—

Recommendation 194 – Proper provision has to be made for dealing with hunger strikes, and regulating the conditions under which artificial feeding should be resorted to. Certain additions to the rules on the subject are suggested.

Opinion of the I.G.P. thereon – The amendment suggested by the Committee to rule 244 of the Mysore Jail Manual may be adopted.

MEV
26/6